

# Complaints and concerns policy and procedure

## Introduction

AvMA is committed to being transparent and as responsive as possible to concerns about its conduct or performance, or that of its employees, volunteers or trustees. We welcome feedback and are committed to learning from complaints wherever possible and making any necessary improvements. A complaint may be made about any aspect of AvMA's activities. AvMA is regulated by the Charity Commission for England and Wales and The Office of the Scottish Charity Regulator. Concerns that AvMA is not meeting its legal obligations as a charity can be raised directly with them.

## Informal resolution of concerns

By "concerns" we mean any feedback we receive which, although not expressed as a formal complaint, is significantly critical of any aspect of AvMA's activities, services, or conduct of one or more of our trustees, staff or volunteers.

Wherever possible we encourage informal resolution of concerns so that matters can be put right without the need for a formal complaint. We encourage people with concerns to raise them in the first instance with the person at AvMA they have been dealing with. If that is not appropriate we will invite them to speak to or correspond with that person's line manager. In the case of trustees issues can be discussed with the Chair of the Council of Trustees or the Chief Executive. Concerns may be received in various other ways such as emails, letters or returned questionnaires or evaluation forms. Unless it is apparent that the person raising the concern would not want to be contacted or contacting them would serve no useful purpose, we will respond by offering apologies and/or explanations and undertakings to try to put things right if appropriate. All concerns raised will be taken seriously and are subject to monitoring

and reporting requirements set out in "Acting and Reporting Complaints and Concerns" below.

## Formal complaints: stage 1

Formal complaints should be addressed in writing (including by email) to the Chief Executive. If the person prefers or needs help in making a complaint, we will offer recording their concerns and asking them to confirm that we have made an accurate record of them. Alternatively we will direct them to sources of independent help. If the complaint is about the Chief Executive, the complaint should be addressed to the Chair of Trustees. Written complaints received by anyone else will be forwarded to the Chief Executive unless the complaint is about the Chief Executive (see below).

The Chief Executive, or in their absence, the Deputy Chief Executive will ensure that the matters which are the subject of complaint are investigated and replied to in writing within 20 working days (or, if this is not possible, will write within this timeframe to explain why and provide an estimated date of response). Where the complaint is about the conduct of a member of staff, volunteer or trustee, the Chief Executive will seek the views of the person (or people) concerned as part of the

investigation. Where the complaint is about the Chief Executive, the Chair will be responsible for investigating the complaint.

## Stage 2

If a complainant is not satisfied with the response of the Chief Executive, they have a right to appeal to the Chair of Trustees. If the complaint is about the Chair, the appeal will be considered by the Vice-Chair or another trustee. Appeals should be made to the Chair (or Vice-Chair) within 20 working days of receiving

the Chief Executive's (or Chair's) letter responding to the complaint. The Chair may review the complaint themselves or appoint another trustee of the charity to do so. On receipt of the appeal, the Chair or other trustee will review the file. If the Chair/trustee considers it necessary, this may involve one or more of the following:

- appointing a sub-committee of the Council of Trustees to undertake a further investigation
- consulting other professional advisors or related parties
- referring the matter to the Council,

The outcome of the appeal should be sent to the complainant within 20 working days of receiving their letter. It may not be possible to complete work on the appeal within 20 working days because, for example, the nature of the investigation, the availability of people involved in the matter complained about or the commitments of trustees. In such cases, we will write to the complainant to tell them about the delay, and the reasons for it, and give an estimate of when consideration of the appeal will be complete. In any event AvMA will endeavour to complete the appeal review within two calendar months.

The Chair's or other trustee's decision (or that of the Council or sub-committee if appointed) will be final.

Acting and reporting on complaints and concerns

Some complaints or concerns may indicate that changes in AvMA procedures are required to prevent a similar problem occurring. The Chief Executive and the Deputy Chief Executive are responsible for drawing to the attention of the staff management team where such changes may be required, and for ensuring they are implemented.

The Chief Executive will report any concerns or complaints received to the Chair of Trustees or Chair of the Quality and Outcomes Committee as they arise if it is apparent that they require urgent action or have implications for the reputation of the charity.

The Chief Executive will report on complaints received and the outcome of any investigation to the Quality and Outcomes Committee. The committee will review complaints with any potential improvements in mind. The committee will report on complaints

received during the year, as part of an annual report to the Council of Trustees on the quality and impact of AvMA's work.

A report on complaints received since the last meeting of the Council of Trustees will be made to the next Council of Trustees summarising the subject, outcome and lessons learned/ action taken.

Whether or not an expression of concern or dissatisfaction is expressed as a formal complaint or is resolved, the issue should be brought to the attention of the relevant department manager or Deputy Chief Executive, and then reported to the Quality & Outcomes Committee. Reports should include information on issues raised and action taken.

**Agreed by Council 27th September 2018**

**Review due: September 2021**

**Lead Committee: Executive**

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Action against Medical Accidents (AvMA) is a registered charity in England and Wales (number 299123) and in Scotland (number SCO39683)